

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

In re Terrorist Attacks on September 11, 2001	03-md-1570 (GBD)(SN) ECF Case
This document relates to:  <i>Ashton et al. v. al Qaeda Islamic Army, et al.</i> , 02-cv-6977 (GBD)(SN) and (member case <i>Burlingame v. Bin Laden, et al.</i> , 02-cv-7230 (GBD)(SN))	02-cv-6977 (GBD)(SN) and 02-cv-7230 (GBD)(SN) ECF Case

FRANK H. GRANITO, III, Esq., hereby states under penalty of perjury that:

1. I am a member of Speiser Krause, PC and an attorney representing the *Burlingame* subset of *Ashton* Plaintiffs identified on Exhibit B to the proposed order (the “*Burlingame XIV*” Plaintiffs), who are the subject of this motion for partial final judgment in the above-captioned litigation. I submit this Declaration in support of this motion for final judgment on behalf of only the individual Plaintiffs identified in Exhibit B, and request permission to allow any remaining *Burlingame* plaintiffs to move for the similar relief in separate stages.

2. The sources of information and the basis for belief in the statements contained herein are my representation of the *Burlingame XIV* Plaintiffs in connection with the September 11<sup>th</sup> terror attacks, my firm’s files, conversations with family members of the deceased Plaintiffs, as well as other court records relating to the multi-district litigation to which the *Burlingame XIV* Plaintiffs are parties. Any matters about which I lack personal knowledge are asserted herein upon information and belief.

3. Claims brought on behalf of the decedents listed in Exhibit B were part of the original *Burlingame* complaint, styled *Burlingame, et al. v. Bin Laden, et al.*, filed on September 10, 2002, and bearing civil action number 02-cv-7230, subsequently ordered consolidated into the master complaint bearing the caption *Ashton et al. v. al Qaeda Islamic Army, et al.*, 02-cv-6977

(GBD)(SN). Since these plaintiffs remain segregated in the consolidated *Ashton* filings under their original civil action number and thus can easily be identified, plaintiffs appearing under the *Burlingame* civil action number 02-cv-7230 within the consolidated *Ashton* complaint are being collectively referred to as “*Burlingame* plaintiffs.”

4. In connection with the filing of claims to the September 11<sup>th</sup> Victim Compensation Fund on behalf of the decedents listed in Exhibit B, the personal representatives of the decedents’ estates obtained information and materials relevant to the calculation of economic loss attributable to their decedents’ wrongful deaths as of the time their claims were submitted to the Victim Compensation Fund. That information has been provided to Gary Crakes, Ph.D., of Maher, Crakes and Associates, Economic Consultants. Dr. Crakes took the information that was obtained relevant to economic loss and prepared expert reports calculating the present value of the economic damages. Attached to each report is Dr. Crakes’ curriculum vitae and a statement of Dr. Crakes’ methodology. Because of the confidential nature of their contents, Dr. Crakes’ reports of the economic losses suffered as a result of the deaths of the wrongful deaths of the decedents on Exhibit B are being submitted to the Court separately under seal as Exhibit C pursuant to this Court’s prior Order granting permission for such under seal filing. See ECF No. 7963.

5. The economic loss figures set forth in the table attached as Exhibit B represent the present value (based on the calculations set forth in Exhibit B) of the estimated economic losses suffered as a result of the wrongful deaths of plaintiffs’ decedents.

6. We have been retained individually by the personal representatives of the decedents listed in Exhibit B to pursue recovery for the economic and noneconomic losses arising out of the deaths of their loved ones on September 11, 2001. We have verified via written documentation and/or interviews that all of the decedents listed in Exhibit B perished in the September 11<sup>th</sup>

terrorist attacks and have not recovered for their economic damages previously. We have further confirmed that they do not have any prior judgment or pending motion against the Islamic Republic of Iran before this Court for economic damages arising out of the September 11<sup>th</sup> attacks.

7. The form of this motion and the relief requested herein are intended to comply with the quality control measures discussed in the January 13, 2017 letter from the Plaintiff's Executive Committee (ECF No. 3433) and the Court's order dated January 24, 2017 (ECF No. 3435), together with the default judgment motion cover sheet attached as Exhibit A to the proposed order.

8. In prior orders, the Court has established \$2,000,000 as the appropriate amount for the pre-death conscious pain and suffering of the decedents killed in the terror attacks of September 11, 2001, including those decedents listed on Exhibit B. *See ECF No. 3226, Entered 03/08/2016.* The decedents' conscious pain and suffering amounts set forth in Exhibit B reflect the figures awarded in the Court's prior order.

9. Previously, in connection with a motion for final judgment on behalf of other *Ashton* claimants, this Court asked that to expedite issuance of final judgments, they defer decision as to the appropriate quantum of punitive damages and present a proposed order with a rate of prejudgment interest of 4.96 per annum, compounded annually. *See ECF No. 3362, Entered 10/14/2016.* The form of the proposed order submitted herewith therefore conforms to the Court's prior orders.

10. Accordingly, I respectfully request that this Court grant the proposed order submitted herewith in favor of the *Burlingame XIV* Plaintiffs.

Dated: June 3, 2024  
Rye Brook, New York

/s/ Frank H. Granito  
Frank H. Granito, III, Esq. (FG9760)

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